

State of
Washington
House of
Representatives



March 1, 2010

Mr. Jon Jennings
Mosquito Control Permit Comments
Washington State Department of Ecology
Water Quality Program
P.O. Box 47600
Olympia, WA 98504

RE: Aquatic Mosquito Control General Permit – Draft Permit

Dear Mr. Jennings:

Over the past several days, we have received several email messages from citizens and Mosquito Control Districts related to the draft permit for Aquatic Mosquito Control. As I'm sure you're aware, there are many people concerned with draft permit and the potential impacts associated with it.

Several of us met with representatives of the Department of Ecology and received an email from Ms. Kelly Susewind discussing misconceptions people have with the draft permit. We also received the criteria used for determining when it is permissible to spray for mosquito vector control from Mr. Bill Moore. It should be noted, we understand the findings from the federal court decision and the limitations presented under the current permit. While we appreciate receiving the information from Mr. Moore and Ms. Susewind, it does not resolve several of the concerns associated with the draft permit.

The two main issues we have concerns with are related to the definition of "surface water" being used by the department and the clear distinction made in the draft permit between nuisance and vector mosquitoes. Based on our conversation with representatives from the department, the draft rule defines surface water as Waters of the State, which is synonymous with Waters of the United States. This is particularly troubling given the current movement in Congress to expand the definition of Waters of the US to include virtually all surface water bodies. We do not agree with, nor support the use of this definition and suggest the department utilize a definition which prohibits discharge to navigable water bodies.

We are deeply concerned with the clear distinction the department has made between nuisance and vector mosquitoes in the draft rule. Based on the information we received from Mr. Moore with regard to the mosquito vector control criteria, it appears the spraying could only occur *after* a clear and present public health danger is present. In other words, the draft permit only allows reactive mosquito control and not proactive mosquito control.

One of the very basic functions of government is protecting public health and public safety; unfortunately, we believe the draft permit limits that protection because it would prohibit proactive control of nuisance mosquitoes before a public health emergency is present.

We ask the department to reconsider the provisions of the draft permit to allow control of both nuisance and vector mosquitoes as long as the application of adulticide is consistent with label

instructions. We believe this approach is in the best interest of the public and consistent with similar rules established for other types of spraying.

We would also request the Department of Ecology extend the public comment period an additional 30 days and hold additional public hearings in Spokane, Okanogan, Yakima, Chelan, Clark, and Whatcom Counties in order to provide the public ample opportunity to participate in the public review process. We have serious doubts that the single public hearing scheduled for Moses Lake is adequate to allow wide-spread public participation.

We thank you for considering our concerns.

Sincerely,


Rep. Jim McCune
2nd Legislative District


Rep. Matt Shea
4th Legislative District


Rep. Jay Rodne
5th Legislative District


Rep. Kevin Parker
6th Legislative District


Rep. Joel Kretz
7th Legislative District


Rep. Shelly Short
7th Legislative District


Rep. Larry Haler
8th Legislative District


Rep. Brad Klippert
8th Legislative District



Rep. Joe Schmick
9th Legislative District


Rep. Susan Fagan
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Rep. Norma Smith
10th Legislative District


Rep. Bill Hinkle
13th Legislative District


Rep. Judy Warnick
13th Legislative District


Rep. Charles Ross
14th Legislative District


Rep. Norm Johnson
14th Legislative District


Rep. Bruce Chandler
15th Legislative District


Rep. David Taylor
15th Legislative District


Rep. Ed Orcutt
18th Legislative District


Rep. Jaime Herrera
18th Legislative District


10th Legislative Dist.

CC: Governor Christine Gregoire
Ted Sturdevant, Director of Department of Ecology